

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1.1  
Eastern Division**

Adina McCollough

Plaintiff,

v.

Case No.: 1:16-cv-03777

Honorable Sharon Johnson Coleman

Smarte Carte, Inc.

Defendant.

---

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, June 28, 2016:

MINUTE entry before the Honorable Sharon Johnson Coleman: Motion hearing held on 6/28/2016 on defendant's motion to stay discovery [20]. The Court heard arguments on the motion on 6/21/2016 and allowed briefing of the motion. Federal Rule of Civil Procedure 26(c) gives the court broad discretion over the timing and extent of discovery. "The filing of a motion to dismiss by itself does not mandate a stay of discovery pending resolution of that motion, nor does the right to discovery continue in light of a pending dispositive motion." *Bianchi v. Tonigan*, 2012 U.S. Dist. LEXIS 167011, 2012 WL 5906536, at \*1 (N.D. Ill. Nov. 26, 2012) (M.J. Rowland) (citing *Walsh v. Heilmann*, 472 F.3d 504, 505 (7th Cir. 2006)). Courts must review motions to stay discovery to determine whether in the particular case ongoing discovery is "unlikely to produce facts necessary to defeat the motion." *Sprague v. Brook*, 149 F.R.D. 575, 577 (N.D. Ill. 1993); see also *Orlando Residence, Ltd., v. GP Credit Co., LLC*, No. 04-C-439, 2006 U.S. Dist. LEXIS 76266, 2006 WL 2849866, at \*7 (E.D. Wis. Sept. 29, 2006). The Court grants in part and denies in part the motion without prejudice. The Court will stay discovery solely directed at class certification and will also stay oral discovery until the Court issues its ruling on the motion to dismiss. Written discovery will proceed on the issues relevant to the motion to dismiss, primarily standing and whether plaintiff suffered an injury making her an "aggrieved person" under the act, but also including basics about the biometric information and related policies at Smarte Carte, Inc. The Court will issue its ruling on the motion to dismiss prior to the status. Status hearing is set for 9/19/2016 at 9:00 a.m. Mailed notice(rth, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***[www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov)***.